

CITY OF ROSENBERG

REGULAR CITY COUNCIL MEETING MINUTES

On this the 7th day of June, 2016, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Regular Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

Present: Cynthia A. McConathy, Mayor
William Benton, Councilor at Large, Position 1
Amanda J. Barta, Councilor at Large, Position 2
Jimmie J. Pena, Councilor, District 1
Susan Euton, Councilor, District 2
Alice Jozwiak, Councilor, District 3
Lynn Moses, Councilor, District 4

Staff Present: Scott M. Tschirhart, City Attorney
John Maresh, Assistant City Manager of Public Services
Linda Cernosek, City Secretary
Joyce Vasut, Executive Director of Administrative Services
Travis Tanner, Executive Director of Community Development
Ian Knox, Planning Administrator
Tonya Palmer, Building Official
Lori Remington, Human Resources Director
Dallis Warren, Police Chief
Tracie Dunn, Assistant Police Chief
Renee McAnally, Code Compliance Officer-Animal Control
Wade Goates, Fire Chief
Randall Malik, Economic Development Director
Rigo Calzoncin, Public Works Director
Jenny Pavlovich, Communications Manager
Luis Garza, Finance Manager
Daniel Kelleher, Main Street Manager
Kaye Supak, Executive Assistant
Danyel Swint, Executive Assistant

Call to order: City Hall Council Chamber

Mayor McConathy called the meeting to order at 7:02 p.m.

Invocation and Pledge of Allegiance.

Reverend Charles Surovik, New Covenant Fellowship, Rosenberg gave the invocation and led in the Pledge of Allegiance to the flag.

Administer Oaths of Office to City Council Members

Cynthia A. McConathy, Mayor administered the Oaths of Office to City Council Members Jimmie J. Peña, Council Member, District 1; Susan Euton, Council Member, District 2; Alice Jozwiak, Council Member, District 3; and Lynn Moses, Council Member, District 4.

Presentation of Rosenberg Image Committee Beautification and Renovation Awards.

Councilor at Large, Position 1 William Benton presented Rosenberg Image Committee Beautification and Renovation Awards to:

- Gudula Wright, 1500 Georgina Street
- Ruben Coria, 1217 Alamo Street

Announcements.

Amanda Barta, Councilor at Large, Position 2 thanked the City's Police Officers and Fire Department for their outstanding efforts during the Memorial Day flooding and stated she has received many positive citizen comments. Councilor Barta also expressed pride in City staff and the response from the community.

Mayor McConathy echoed Councilor Barta's sentiments. Mayor McConathy had a front row seat watching the City come together along with Fort Bend County and expressed her pride in our community.

GENERAL COMMENTS FROM THE AUDIENCE.

Citizens who desire to address the City Council with comments of a general nature will be received at this time. Each speaker is limited to three (3) minutes. In accordance with the Texas Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

COMMENTS FROM THE AUDIENCE FOR CONSENT AND REGULAR AGENDA ITEMS.

Citizens who desire to address the City Council with regard to matters on the Consent Agenda or Regular Agenda will be received at the time the item is considered. Each speaker is limited to three (3) minutes. Comments or discussion by the City Council Members will only be made at the time the agenda item is scheduled for consideration. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

CONSENT AGENDA

1. Review of Consent Agenda.

All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a City Council Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

- A. **Consideration of and action on Regular Meeting Minutes for May 17, 2016; Special Meeting Minutes for May 19, 2016; and Workshop Meeting Minutes for May 24, 2016.**
- B. **Consideration of and action on a Final Plat of Tran Plaza, a subdivision of 9.9985 acres (435,538 sq. ft.) tract of land situated in the S.A. and M.G.R.R. Company Survey, Abstract 330, City of Rosenberg, Fort Bend County, Texas, said 9.9985 acre tract being out of and part of Lot 68 and a portion of Lot 69 of the Slavin and George Subdivision, recorded in Volume 64, Page 252 of the Deed Records of Fort Bend County, Texas; 0 lots, 1 reserve (9.9985 acres) and 1 block.**

EXECUTIVE SUMMARY

The Final Plat of Tran Plaza consists of 9.9985 acres and one (1) reserve and is located off of Anton Stade Road, south of Randon School Road.

The Plat has its frontage (214') on Anton Stade Road and the site is over 2,000' in depth. The property is being restricted to commercial use by way of this Plat. The proposed Plat also provides for dedication of a thirty-foot (30') strip of right-of-way for Anton Stade Road. The reason for this is that Fort Bend County's Thoroughfare Plan classifies this road as a 120' Major Thoroughfare. With the existing right-of-way width being 60', an additional 30' is required on each side.

The owner submitted for voluntary annexation, which was approved by City Council on April 19, 2016.

Planning Commission approved the Preliminary Plat and recommended approval of the Final Plat of Tran Plaza on April 20, 2016. Seeing no conflicts with applicable regulations, staff recommends approval of the Final Plat of Tran Plaza.

- C. **Consideration of and action on Resolution No. R-2161, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, a Supplemental Agreement, by and between the City and Union Pacific Railroad Company, related to the Pipeline Crossing Agreement for the 2014 Sanitary Sewer Pipebursting Project, in the amount of \$1,505.00.**

EXECUTIVE SUMMARY

On January 20, 2015, the City Council approved Resolution No. R-1910 which authorized a Pipeline Crossing Agreement with Union Pacific Railroad Company as part of the City's 2014 Sanitary Sewer Pipebursting Project.

During construction, it was determined that the collection line had deteriorated to the point it could not be repaired. Therefore, a liner was installed as a temporary repair until such time a new replacement crossing could be designed and bid for construction. Union Pacific Railroad Company has requested a Supplemental License Agreement that would allow the City to construct the new sanitary sewer line pipeline crossing and abandon the existing line in place. This Supplemental License Agreement would provide for a substitution of the existing

Exhibit "A", dated November 24, 2014, with a new Exhibit "A", dated May 19, 2016. The Supplemental Agreement has been attached as Exhibit "A" and the original Pipeline Crossing Agreement has been attached as Exhibit "B" to Resolution No. R-2161. The fee associated with the Supplemental License Agreement is \$1,505.00

Staff recommends approval of Resolution No. R-2161 as presented.

- D. **Consideration of and action on Resolution No. R-2158, a Resolution authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, a Supplemental Agreement by and between the City of Rosenberg and BNSF Railway Company, related to the 2014 Sanitary Sewer Pipebursting Project, in the amount of \$1,925.00.**

EXECUTIVE SUMMARY

On January 20, 2015, the City Council approved Resolution No. R-1913, which authorized a Pipeline License with Burlington Northern and Santa Fe Railway Company (BNSF) as part of the 2014 Sanitary Sewer Pipebursting Project.

During construction, it was determined that the collection line crossing located near 8th Street had deteriorated to the point it could not be repaired. Therefore, a liner was installed as a temporary repair until such time a new replacement crossing could be designed and bid for construction. This Supplemental Agreement will allow the City to construct the new sanitary sewer line pipeline crossing and abandon the existing line in place. The fee associated with the Supplemental Agreement is \$1,925.00.

Staff recommends approval of Resolution No. R-2158 as presented.

- E. **Consideration of and action on Resolution No. R-2144, a Resolution regarding the Financial Management Policies of the City of Rosenberg.**

EXECUTIVE SUMMARY

The Financial Management Policies (Policies) for the City of Rosenberg are to be reviewed on an annual basis by the Finance/Audit Committee (Committee). On Monday, May 16, 2016, the Committee met to review and discuss the Policies and have recommended the following changes for City Council consideration:

- Section 1.3 - To appoint the Finance Manager as a Committee staff member, instead of the Budget Analyst.
- Section 2.13 - To define emergency as an unforeseen situation affecting the health, safety and wellbeing of the citizens or employees.
- Section 6.2.3 - To reference the Texas Local Government Code when discussing purchases exceeding \$50,000.
- Section 9 - To add a section to define, and discuss the categories for restricting Fund Balance.
- A redlined copy of these revisions is attached for review. (Please note that a Committee meeting minute excerpt was not yet available at print time for this Agenda packet.) Staff and the Committee recommend approval of Resolution No. R-2144, adopting the proposed changes to the Financial Management Policies, attached to Resolution No. R-2144 as Exhibit "A".

- F. **Consideration of and action on Resolution No. R-2155, a Resolution amending the Professional Development Policy, and providing for an effective date.**

EXECUTIVE SUMMARY

On February 16, 2016, City Council approved the Professional Development Policy (Policy) to reward, encourage and motivate employees to participate in advanced training and education, and to continue their employment with the City. The City implemented the Policy in April 2016. During implementation, several items were identified that need to be addressed.

Staff has reviewed the Policy and suggested recommendations to improve the Policy and consistency of the incentives included in the Policy. Such changes are highlighted in the redlined copy of the Policy that is attached for review.

On May 16, 2016, the proposed changes were presented to the Finance/Audit Committee (Committee). The Committee recommended approval of all revisions to the City Council. (Please note that a Committee meeting minute excerpt was not yet available at print time for this Agenda packet.) The revised Policy is attached as Exhibit "A" to Resolution No. R-2155.

The Finance/Audit Committee and staff recommend approval of Resolution No. R-2155 as presented.

- G. **Consideration of and action on Resolution No. R-2157, a Resolution amending the Classification and Compensation Plan, and providing for an effective date.**

EXECUTIVE SUMMARY

In August 2015, City Council approved the Classification and Compensation Plan (Plan). Since the Plan was approved, the need for an additional level and grade for the Sworn Police Classification Structure was identified.

The Police Department has several police officer positions that have been open and difficult to fill. There are currently several applicants that the Department would consider hiring but they do not meet the minimum requirement of forty (40) hours of college credit. The number of college hours that Rosenberg requires is high when compared to the requirements of nearby departments and agencies.

The addition of a Probationary Police Officer position would present a solution for the desirable applicants that do not possess 40 hours of college but have a high school diploma and have completed Police Academy training. As noted in the attached Probationary Officer Fact Sheet, Probationary Officers would be hired at a pay rate of seven percent (7%) less than an officer who meets the current minimum requirements.

Should City Council approve the addition of this new position, a classification grade level "OP" would need to be added to the Plan for a Probationary Police Officer. The new pay grade will allow for any Texas Commission on Law Enforcement (TCOLE) certified applicants to apply, which would expand Rosenberg's hiring pool and allow the City to train and groom entry level officers while they acquire their two years of law enforcement experience and progress to a high performing police officer.

On May 16, 2016, the Finance/Audit Committee met to discuss the proposed changes submitted by staff. The Finance/Audit Committee is recommending approval of Resolution No. R-2157, authorizing the addition of a Probationary Officer and a grade of "OP" to the Classification and Compensation Plan, which is attached to Resolution No. R-2157 as Exhibit "A". Staff also recommends approval. (Please note that a minute excerpt was not yet available at print time for this packet.)

- H. **Consideration of and action on Resolution No. R-2156, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, a Bank Depository Services Proposal submitted by ZB, N.A., dba Amegy Bank; and, authorizing the execution of appropriate documents in accordance with said Proposal for the period beginning July 01, 2016, and ending June 30, 2019, with the option to extend the Agreement for two (2) additional one-year terms.**

EXECUTIVE SUMMARY

On June 15, 2010, City Council awarded the Bank Depository Services Agreement to Amegy Bank of Texas under Resolution No. R-1162, for a five (5) year term, effective July 1, 2010, and ending June 30, 2015, with the option to extend the agreement period for one (1) additional year.

On June 2, 2015, City Council approved Resolution No. R-1970, extending the agreement for one (1) additional year with an ending date of June 30, 2016.

On April 4, 2016, the Finance Department issued Request for Proposal No. 2016-14 (RFP) for banking services. The City publicized the Notice to Bidders in the local newspaper on April 3, 2016, and April 10, 2016, and placed RFP No. 2016-14 on the City's website along with sending it to the following five (5) local banks:

1. Amegy Bank (Current)
2. Wells Fargo Bank NA
3. New First National Bank
4. Bank of America
5. JP Morgan Chase Bank

On May 4, 2016, the City received a total of two (2) proposals; two (2) of the five (5) banks opted not to submit a proposal and one did not respond. The RFP documents are available in the Finance Department for review.

The Finance/Audit Committee met and reviewed the submittals on May 16, 2016, and recommends approval of the proposal submitted by Amegy Bank. (Please note that a Committee meeting minute excerpt was not yet available at print time for this Agenda packet.) Staff and the Committee recommend approval of Resolution No. R-2156, authorizing the Interim City Manager to execute a proposal and certain necessary documents for depository services with Amegy Bank for the period beginning July 1, 2016, and ending June 30, 2019, with an option to extend the agreement for two (2) additional one-year terms.

- I. **Consideration of and action on Resolution No. R-2160, a Resolution authorizing the Mayor to execute a Resale Deed for real property generally located at Avenue E: GEO Number: 7610010010380901: Lot 38, Block No. 1, Riverside Terrace Addition, Section 1, an addition to the City of Rosenberg, Fort Bend County, Texas, more particularly described in Volume 405, Page 329 of the Deed Records of Fort Bend County, Texas.**

EXECUTIVE SUMMARY

Mike Darlow, with Perdue, Brandon, Fielder, Collins and Mott, LLP, presented an offer received from Mr. Efrain Dimas, Jr., to purchase a lot on Avenue E from the City for \$4,000.00. The official bid form, letter from the

bidder, bid analysis, and a map showing the location are attached. The proposed resale deed has been included as Exhibit "A" to Resolution No. R-2160.

Although the offer is for less than 50% of the value, it is in the City's best interest to proceed with the sale and get the property back on the City's tax roll. Mr. Darlow recommends the resale be approved by adopting Resolution No. R-2160.

Staff also recommends approval of Resolution No. R-2160, a Resolution authorizing the resale of property that was acquired through tax foreclosure proceedings.

- J. **Consideration of and action on Resolution No. R-2154, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, an Amendment to Interlocal Cooperation Agreement for the Collection of Taxes, by and between the City and Fort Bend County, Texas.**

EXECUTIVE SUMMARY

The City of Rosenberg has previously contracted with the Fort Bend County Tax Assessor/Collector, Patsy Schultz, for tax collection services. Fort Bend County has requested the City execute an Amendment to Interlocal Cooperation Agreement for the Collection of Taxes, to extend the existing Agreement for another year through June 30, 2017.

The Amendment extending tax collection services with Fort Bend County is attached to Resolution No. R-2154 as Exhibit "A". Staff recommends approval of Resolution No. R-2154, a Resolution authorizing the Interim City Manager to execute an Amendment to Interlocal Cooperation Agreement for the Collection of Taxes with Fort Bend County as the City's Tax Assessor/Collector.

KEY DISCUSSION POINTS

- Consent Agenda Item H - City Attorney, Scott Tschirhart stated no Bank Depository Services Proposal was available for signature. Therefore, Resolution No. R-2156 was revised to authorize the Interim City Manager to execute all documents necessary, for and on behalf of the City, related to a Bank Depository Services Proposal.

ACTION

Motion by Councilor, District 1 Jimmie J. Pena, seconded by Councilor at Large, Position 1 William Benton to approve Consent Agenda Items A-J.

Vote: 7 - 0 Carried - Unanimously

REGULAR AGENDA

2. **Consideration of and action on appointment of Mayor Pro Tem for a one-year term.**

EXECUTIVE SUMMARY

Historically, the Mayor and City Council have appointed a Mayor Pro Tem to serve a one-year term. Attached is a history list of those who have served as the Mayor Pro Tem in the past. This item is being presented by the City Secretary for City Council consideration for appointment of a Mayor Pro Tem for a one-year term.

KEY DISCUSSION POINTS

- Mayor McConathy asked if the Councilors wanted to allow current Mayor Pro Tem, Councilor at Large, Position 2, Amanda J. Barta to remain, or offer a motion to nominate a new Mayor Pro Tem.
- Councilor Benton stated leadership is elevating and promoting others. Councilor Benton asked Councilor Barta if she had any objections to nominating Councilor, District 1, Jimmie J. Pena as the new Mayor Pro Tem.
- Councilor Barta had no objection.

Action

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 4 Lynn Moses to appoint Councilor, District 1 Jimmie J. Pena as Mayor Pro Tem for a one-year term.

Vote: 7 - 0 Carried - Unanimously

3. **Consideration of and action on appointments to City Council Committees:**

- a. Employee Benefits Committee (three positions);
- b. Finance/Audit Committee (three positions);
- c. Houston-Galveston Area Council (H-GAC)(Representative and Alternate);
- d. Image Committee (one voting Council Member);
- e. Main Street Advisory Board (one Council Member ex-officio);
- f. Parks and Recreation Board (one voting Council Member);
- g. Planning Commission (one Council Member ex-officio);

- h. Professional Services/Engineering Project Review Committee (three positions); and,**
- i. Rosenberg Development Corporation (three Council Representatives/Directors).**

EXECUTIVE SUMMARY

The City Council Committees requiring City Council Members to be appointed are as follows:

- a. Employee Benefits Committee (three positions);
- b. Finance/Audit Committee (three positions);
- c. Houston-Galveston Area Council (H-GAC)(Representative and Alternate);
- d. Image Committee (one voting Council Member);
- e. Main Street Advisory Board (one Council Member ex-officio);
- f. Parks and Recreation Board (one voting Council Member);
- g. Planning Commission (one Council Member ex-officio);
- h. Professional Services/Engineering Project Review Committee (three positions); and,
- i. Rosenberg Development Corporation (three Council Representatives/Directors).

Attached is a copy of the above Committees and the Council Members that previously served.

Employee Benefits Committee (three positions)

Actions: Councilor Barta moved, seconded by Councilor Benton, to appoint the following members to the Employee Benefits Committee: Councilors Pena, Moses and Jozwiak. The motion carried by a unanimous vote.

Finance/Audit Committee (three positions)

Actions: Councilor Benton moved, seconded by Councilor Moses, to appoint the following members to the Finance/Audit Committee: Mayor McConathy and Councilors Euton and Jozwiak. The motion carried by a unanimous vote.

Houston-Galveston Area Council (H-GAC) (Representative and Alternate)

Actions: Councilor Benton moved, seconded by Councilor Barta, to appoint the following members to the Houston-Galveston Area Council (H-GAC): Mayor McConathy as Representative and Councilor Pena as Alternate. The motion carried by a unanimous vote.

Image Committee (one voting Council Member)

Actions: Mayor McConathy moved, seconded by Councilor Barta, to appoint Councilor Benton to the Image Committee. The motion carried by a unanimous vote.

Main Street Advisory Board (one Council Member ex-officio)

Actions: Councilor Benton moved, seconded by Councilor Jozwiak, to appoint Councilor Pena to the Main Street Advisory Board. The motion carried by a unanimous vote.

Parks and Recreation Board (one voting Council Member)

Actions: Councilor Benton moved, seconded by Councilor Euton, to appoint Councilor Barta to the Parks and Recreation Board. The motion carried by a unanimous vote.

Planning Commission (one Council Member ex-officio)

Actions: Councilor Benton moved, seconded by Councilor Moses, to appoint Mayor McConathy to the Planning Commission. The motion carried by a unanimous vote.

Professional Services/Engineering Project Review Committee (three positions)

Actions: Councilor Benton moved, seconded by Councilor Barta, to appoint the following members to the Professional Services/Engineering Project Review Committee: Councilors Pena, Euton and Jozwiak. The motion carried by a unanimous vote.

Rosenberg Development Corporation (three Council Representatives/Directors)

Actions: Councilor Barta moved, seconded by Councilor Benton, to appoint the following members to the Rosenberg Development Corporation: Councilors Pena, Moses and Barta. Motion not necessary to retain same Council Representatives/Directors.

4. Consideration of and action on appointments to the following City of Rosenberg Boards, Committees and Commissions:

- a. Animal Control Shelter Advisory Board;
- b. Image Committee;
- c. Main Street Advisory Board;
- d. Parks and Recreation Board;
- e. Planning Commission (one resignation);
- f. Rental Property Appeals Board; and,
- g. Rosenberg Development Corporation.

EXECUTIVE SUMMARY

Each year the City Council appoints and reappoints members to the City's Boards, Committees, and

Commissions (Committees) that are to be appointed or reappointed for that particular year. A list of current Committee members and applicants have been provided under separate cover for City Council's review.

An advertisement calling for volunteers was published in the Fort Bend Herald newspaper on April 10, 17, and 24, 2016, and on the City's webpage. The deadline for applications was Friday, May 6, 2016. The 2016 Committee Applications were previously sent to City Council under separate cover and included a cover sheet with a brief description of each of the Committees that are being appointed or reappointed.

KEY DISCUSSION POINTS

- Councilor Benton requested 4(e) - Planning Commission be moved to 4(a).
- Mayor McConathy stated the Charter dictates members on this Commission may not serve on any other committee.
- City Attorney, Scott Tschirhart stated that action will require a vote.

Action: Councilor Benton made a motion, seconded by Councilor Moses, to move 4(e)-Planning Commission to 4(a) of the Boards, Committees and Commissions appointments.

Vote: 7 - 0 Carried - Unanimously

Planning Commission (one resignation)

Action: Councilor Benton moved, seconded by Councilor Barta, to reappoint Wayne Poldrack, Steven D. Monk, James Urbish, Lester Phipps, Jr. and Sergio Villagomez; and to appoint William Bennett to the Planning Commission. The motion carried by a vote of 4 to 3 as follows: Yeses: Councilors Benton, Euton, Barta, and Jozwiak. Noes: Mayor McConathy, Councilors Moses and Pena.

Animal Control Shelter Advisory Board

Action: Councilor Benton moved, seconded by Councilor Barta, to appoint Carolyn Seiler as Animal Welfare Representative and Lisa J. Woebse as Citizen Representative to the Animal Control Shelter Advisory Board. The motion carried unanimously.

Image Committee

Action: Councilor Benton moved, seconded by Councilor Barta, to appoint Joyce Bartos, Lisa J. Woebse, Marcus Morales, Julia A. Worley, Eric Ramirez and Judy M. Wright to the Image Committee. The motion carried unanimously.

Main Street Advisory Board

Action: Councilor Benton moved to appoint all applicants including George Zepeda. The motion died for lack of second.

Action: Councilor Barta moved, seconded by Councilor Moses, to appoint Bob Alanis, Ernie Dixon, Noel Valdes and Helen M. Ramirez, and reappoint Michael Mercado, Renee Butler, Marcia Vogelsang, Janice Knight and Carolyn Watson to the Main Street Advisory Board. The motion carried unanimously.

Parks and Recreation Board

Action: Councilor Benton moved, seconded by Councilor Barta, to appoint Teresa Bailey, Ray Kueck, Rudy Guerrero, Eric Ramirez, Bertha Nell Kelm (honorary member, does not vote), Julia Worley and George Zepeda, to the Parks and Recreation Board. The motion carried unanimously.

Rental Property Appeals Board

Action: Councilor Benton moved, seconded by Councilor Euton, to appoint Cowboy Bill, Christian Hawkins, Ben Pawlak, Mable Buford, Edward Kahlenberg, Lisa Wallingford, Darlene Cortez, Scott Kirkham and David Woods to the Rental Property Appeals Board. The motion carried unanimously.

Rosenberg Development Corporation

Action: Councilor Benton moved to appoint Mable Buford, Charles (Chuck) Budnik, Teresa Bailey and Ted Garcia. The motion died for lack of second.

Action: Councilor Moses moved, seconded by Councilor Pena, to appoint Teresa Bailey, Sean (Chris) Martin, Charles (Chuck) Budnik and Allen J. Scopel to the Rosenberg Development Corporation. The motion carried by a vote of 5 to 2: Yeses: Mayor McConathy, Councilors Moses, Barta, Pena and Euton. Noes: Councilors Benton and Jozwiak.

5. **Consideration of and action on a Lease of Real Property, generally located at 1819 Avenue F, by and between the City and the Rosenberg Railroad Museum, pursuant to Resolution No. R-2097, previously approved on the 19th day of January 2016, for a term of ninety-nine (99) years in the amount of \$1.00.**

EXECUTIVE SUMMARY

This item has been added to the Agenda to offer City Council the opportunity to review and consider the finalized version of the Lease for Public Purpose with the Rosenberg Railroad Museum.

On January 19, 2016, City Council authorized the Interim City Manager (through Resolution No. R-2097) to negotiate a Lease Agreement with the Rosenberg Railroad Museum for certain City-owned property, generally located at 1819 Avenue F. Negotiations have been completed and the final Lease Agreement has been provided for consideration. Staff recommends approval of the Lease Agreement as presented.

KEY DISCUSSION POINTS

- City Attorney, Scott Tschirhart presented the item and reviewed the Executive Summary.
- Mr. Tschirhart stated previous Council attempted to transfer the property to the Rosenberg Railroad Museum. However, there was a constitutional prohibition against the City giving the property to Rosenberg Railroad Museum. The solution is a 99 year lease.
- Councilor Jozwiak stated 99 years is a long time and asked the purpose of a 99 year lease.
- Mr. Tschirhart reiterated former Council tried to transfer the property for their use as a railroad museum. Mr. Tschirhart stated charitable leases are typically 99 years. However, if the Rosenberg Railroad Museum did anything with the property other than specified in the lease, it would revert back to the City, thus protecting the City's interest in the property. Mr. Tschirhart also stated this would allow the Rosenberg Railroad Museum to borrow money to do renovations. The lease does not have to be 99 years.
- Councilor Jozwiak requested a shorter lease term.
- Councilor Benton stated the Rosenberg Railroad Museum has been raising money for years without this lease agreement. Councilor Benton agreed with Councilor Jozwiak in that 99 years is a long time. Councilor Benton does not want to bind future Council with this long-term lease. Councilor Benton is in favor of the lease, if term is shortened.
- Mr. Tschirhart stated the property belongs to the City and the lease term can be changed.
- Councilor Moses stated the Rosenberg Railroad Museum will have a hard time borrowing money if the lease term is not long-term, the City is not responsible for the money borrowed, and if the property is reverted back to the City, the City gets the benefits of the property upgrades.
- Mayor McConathy stated the sliver of property is not developable due to its size. Mayor McConathy also stated if the property was open to bids, it would still be restricted to development.

ACTION

Motion by Councilor, District 1 Jimmie J. Pena, seconded by Councilor, District 2 Susan Euton to approve Lease of Real Property, generally located at 1819 Avenue F, by and between the City and the Rosenberg Railroad Museum, pursuant to Resolution No. R-2097, previously approved on the 19th day of January 2016, for a term of ninety-nine (99) years in the amount of \$1.00.

Vote: 5 - 2 Carried - Yeses: Mayor McConathy, Councilors Moses, Barta, Pena and Euton. Noes: Councilors Benton and Jozwiak.

6. **Consideration of and action on Resolution No. R-2163, a Resolution authorizing the temporary waiver of building related permit fees for construction repairs related to the Memorial Day Flood 2016 Event.**

EXECUTIVE SUMMARY

This item has been included on the Agenda to offer City Council an opportunity to consider Resolution No. R-2163, a Resolution that will provide authorization to temporarily waive building related permit fees for construction repairs related to the Memorial Day Flood 2016 Event.

The Resolution will help minimize further hardship for the property owners that find it necessary to perform repairs and/or rehabilitate flood-damaged properties. The fee waiver would be effective for building related permits applied for and issued from June 8, 2016, through August 31, 2016, for construction repairs related to the Memorial Day Flood 2016 Event.

Staff recommends approval of Resolution No. R-2163 as presented.

KEY DISCUSSION POINTS

- Interim City Manager John Maresh presented the item and reviewed the Executive Summary.
- Councilor Moses asked Mr. Maresh if permits needed to be obtained during June 08, 2016 through August 31, 2016.
- Mr. Maresh replied yes; however, repairs do not need to be made during that time. Council could extend the deadline.
- Councilor Moses stated more time would be needed and asked if a map would be kept to determine if those obtaining the permits actually lived within the flooded areas.
- Mr. Maresh replied yes, the building department would keep track of that information.
- Councilor Moses has an issue with the strict timeline of applying for and actual issuance of permit(s).
- Mr. Maresh said Council could extend the deadline.
- Councilor Benton has no problem extending the deadline and supports this Resolution.
- Councilor Barta also agrees to extending the deadline.
- Councilor Jozwiak agrees to extending the deadline.
- Councilor Pena stated the time restraint is a matter of due diligence.
- Councilor Euton agrees with all the statements above and would like to extend the August 31st deadline to December 31st.
- Mayor McConathy asked Executive Director of Community Development, Travis Tanner if there was an

expiration date on the permit.

- Mr. Tanner replied there is a 6 month expiration.
- Councilor Euton stated the permit needs to be valid for one year.
- City Attorney, Scott Tschirhart stated it is not legal to have the permit valid for one year and changing the permit length is not before Council at this time.
- Mayor McConathy asked Mr. Tanner if after 6 months, could the citizen apply for an extension for another 6 months?
- Mr. Tanner said the City will work to accommodate citizens but it depends on how long the permit fee waiver is valid.
- Mayor McConathy asked Mr. Tanner if permit tracking would be available to add the weather event and how it is tracked through the County.
- Mr. Tanner stated a list would be kept and would look into marking those permits to reflect the weather event.
- Councilor Barta inquired about the fee waiver timeline.
- Mr. Tanner stated a fee would apply if the permit was applied for after the deadline. Mr. Tanner also stated that Council may extend the deadline again, if needed.

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor at Large, Position 1 William Benton, to approve Resolution No. R-2163 authorizing a temporary waiver of building related permits for construction repairs related to the Memorial Day Flood 2016 Event and extending the fee waiver deadline from August 31st to December 31, 2016.

Vote: 7 - 0 Carried - Unanimously

7.

Consideration of and action on Resolution No. R-2140, a Resolution awarding Bid No. 2016-09 for construction of the Miscellaneous Water and Sanitary Sewer Improvements; and, authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same.

EXECUTIVE SUMMARY

Bids were received on Wednesday, May 25, 2016, for the construction of the Miscellaneous Water and Sanitary Sewer Line Improvements (Project). A total of nine (9) bids were opened and tabulated as indicated on the attached bid summary form. The Project consists of the following items:

- Replacement of existing six (6) inch water line along portions of Avenue D that were not eligible for Community Development Block Grant (CDBG) due to floodplain issues. A twelve (12) inch water line will be installed and this is necessary to complete the twelve (12) inch water line loop through North Rosenberg.
- Replacement of existing eight (8) inch water line along Bryan Road, beginning at the intersection of FM 2218 and continuing for approximately 900 linear feet. A twelve (12) inch water line will be installed and this is necessary to increase transmission capacity needed to move surface water from Water Plant No. 8 on A. Meyer Road through the distribution system.
- Installation of an eight (8) inch water line along the portion of Walger Avenue between SH 36 and Frost Street. This is necessary to loop several "dead end" lines in an effort to improve system circulation and reduce low pressure and water quality issues periodically experienced in portions of these neighborhoods.
- Replacement of an existing fifteen (15) inch gravity sanitary sewer line that crosses both the BNSF Railway and Union Pacific Railroad rights-of-way near 8th Street.

Staff recommends Bid No. 2016-09 be awarded to Texas Pride Utilities, LLC, for the base bid in the total amount of \$495,377.00. The attached correspondence from Kelly R. Kaluza and Associates, Inc., Project Engineer, recommends same. Should the bid be awarded as recommended, the proposal from Texas Price Utilities LLC., will be attached and serve as Exhibit "A" to Resolution No. R-2140. The contract time is 140 calendar days.

Staff recommends approval of Resolution No. R-2140 which will award Bid No. 2016-09 and provide authorization for the Interim City Manager to negotiate and execute all required documents necessary to facilitate the Project.

KEY DISCUSSION POINTS

- Interim City Manager John Maresh presented the item and reviewed the Executive Summary.

ACTION

Motion made by Councilor, District 1 Jimmie J. Pena, seconded by Councilor at Large, Position 2 Amanda J. Barta, to approve Resolution No. R-2140 awarding Bid No. 2016-09 for construction of the Miscellaneous Water and Sanitary Sewer Improvements to Texas Pride Utilities, LLC, in the base bid amount of \$495,377.00; and, authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same.

Vote: 7 - 0 Carried - Unanimously

8. **Consideration of and action on Ordinance No. 2016-18, an Ordinance amending the Code of Ordinances by amending Sections 13-2 and 13-3 of Article I of Chapter 13 thereof providing for amended definitions and permits and exemptions; and, by adding a new Article II to Chapter 13 thereof entitled "Mobile Food Courts and Mobile Food Establishments"; providing a penalty in an amount as provided in Section 1-13 of this Code for violation of any provision hereof; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing for severability.**

EXECUTIVE SUMMARY

At the April 26, 2016 City Council Workshop Meeting, City Council directed staff to review and revise the "Food and Food Services" Ordinance (Chapter 13, Code of Ordinances) as it relates to mobile food units.

Per City Council's direction, staff has drafted a revised set of regulations pertaining solely to mobile food establishments. Attached for review is proposed Ordinance No. 2016-18. The following are key points that the Ordinance focuses on:

- Clearly defines mobile food establishments and related terminology.
- Spells out requirements for permitting mobile food establishments and establishes a general set of regulations.
- Allows special circumstances in the event of a natural disaster.
- Creates a straight forward process for inspections and sets a standard for mobile food establishment design.
- Allows ice cream trucks to function as usual and establishes some general safety regulations.

Additionally, staff requested review of the proposed changes from a local mobile food establishment. The response was positive and the proposed Ordinance would not create any unnecessary challenges for the establishment. Staff recommends approval of Ordinance No. 2016-18.

Should City Council approve Ordinance No. 2016-18, the following Agenda item provides for related permitting fees.

KEY DISCUSSION POINTS

- Ian Knox, Planning Administrator presented the item and reviewed the Executive Summary.
- Mr. Knox presented a PowerPoint presentation.
- Councilor Benton asked if the Ordinance would apply to vendors on the side of the road selling produce.
- Mr. Knox stated a menu needs to be provided and this Ordinance applies more to mobile food trucks - not produce trucks.
- Mayor McConathy provided Mr. Knox with a correction on page 1 to the Ordinance. Mayor McConathy requested a comma be placed between owner and operator.

ACTION

Motion by Councilor at Large, Position 2 Amanda Barta, seconded by Councilor, District 4 Lyn Moses, to approve Ordinance No. 2016-18, an Ordinance amending the Code of Ordinances by amending Sections 13-2 and 13-3 of Article I of Chapter 13 thereof providing for amended definitions and permits and exemptions; and, by adding a new Article II to Chapter 13 thereof entitled "Mobile Food Courts and Mobile Food Establishments"; providing a penalty in an amount as provided in Section 1-13 of this Code for violation of any provision hereof; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing for severability.

Vote: 7 - 0 Carried - Unanimously

9. **Consideration of and action on Resolution No. R-2152, a Resolution revising the Health Inspection Schedule of Fees related to mobile food establishments and school concession stands.**

EXECUTIVE SUMMARY

In the event City Council approves the previous Agenda item for Ordinance No. 2016-18, new inspection fees for mobile food establishments and an overall review of current health inspection fees is necessitated by its passage. An informal survey was conducted within Fort Bend County to determine the range of fees throughout the County and staff has recommended changes as shown on the attached redlined schedule of fees.

Resolution No. R-2152 will revise the permit fee for non-profit organizations (e.g., church kitchens) and will establish permit fees for school concession stands and mobile food establishments. Staff recommends approval of Resolution No. R-2152 as presented.

KEY DISCUSSION POINTS

- Tonya Palmer, Director of Code Compliance presented the item and reviewed the Executive Summary.
- Councilor Euton requested verification on the fees.
- Ms. Palmer stated the fee is \$200 and a survey of surrounding cities was done and staff wanted to remain in line with what other municipalities are doing.
- Councilor Euton thanked Ms. Palmer for including school concession stands at the lower rate.
- Councilor Benton stated a time a citizen had problems with the school concession stand and this citizen thought one permit fee should apply to multiple concession stands.
- Ms. Palmer stated no fees applied in the past for concession stands. The new permit fee was put under

the lowest cost possible for school cafeterias. A survey was done because this issue has presented itself before. Schools have some concession stands that are not on school property. The City now considers these in a lower category and that reclassification lowers the fee significantly, and includes all concession stands at one location.

- Councilor Benton asked if \$50 will cover all stands.
- Ms. Palmer stated one fee will provide for all concession stands in one location.

ACTION

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor, District 4 Lynn Moses, to approve Resolution No. R-2152, a Resolution revising the Health Inspection Schedule of Fees related to mobile food establishments and school concession stands.

Vote: 7 - 0 Carried - Unanimously

10. **Hold Executive Session for consultation with City Attorney to seek or receive advice on legal matters regarding pending or contemplated litigation, namely regarding Imperial Performing Arts, Inc. v. Rosenberg Development Corporation, and Texas Department of Transportation v. Rosenberg condemnation proceedings pursuant to Section 551.071 of the Texas Government Code; to deliberate the potential purchase, exchange, lease or value of real property pursuant to Section 551.072 of the Texas Government Code; and, to deliberate the appointment, employment, evaluation, reassignment, or duties of the Assistant Police Chief pursuant to Section 551.074 of the Texas Government Code.**

ACTION

Motion by Councilor, District 4 Lynn Moses, seconded by Councilor, District 2 Susan Euton, to adjourn to Executive Session.

Vote: 7 - 0 Carried - Unanimously

11. **Adjourn Executive Session, reconvene Regular Session, and take action as necessary as a result of Executive Session.**

Mayor McConathy reconvened Regular Session at 8:20 p.m.

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor, District 4 Lynn Moses, to authorize the acceptance, for and on behalf of the City of Rosenberg, of a Drainage and Underground Utility Easement more particularly described as a .07 acre tract of land in the J. W. Moore 1/4 League, Abstract 61, City of Rosenberg, Fort Bend County, Texas, being over, through, and across a portion of American Storage Centre, according to map or plat thereof recorded under Slide Number 695B, Plat Records, Fort Bend County, Texas, being a called 3.1304 acre tract of land recorded under County Clerk's File Number 2003175308, Official Public Records, Fort Bend County, Texas.

Vote: 7 - 0 Carried - Unanimously

12. **Adjournment.**

There being no further business, Mayor McConathy adjourned the Regular City Council Meeting at 8:50 p.m.


Linda Cernosek, TRMC, City Secretary